IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.110 OF 2005
IN
SUMMARY SUIT NO.2560 OF 2001

International Passage & Cargo Services (I) P.Ltd. ..Plaintiff

Vs.

Darpan Art Emporium ..Defendants

Mr.M.C.Shah a/w Mr.J.B.Singh for the plaintiff

Mr.Sunil Singh for the defendants

CORAM : S.U.KAMDAR, J
DATED : 16TH JANUARY, 2006

P.C.:

1. The present suit is filed on the basis of services rendered and the invoices issued for transportation of goods by the carriage. Plaintiffs are the cargo services and defendant is the person who has hired the services. The only defence raised is there was delay in delivery of the goods and therefore defendant has suffered loss and for which purpose consumer forum dispute is pending before the Consumer Forum, Badohi, State of U.P. The claim of the defendant is in the nature

of loss suffered. In so far as the claim of the plaintiff is concerned there is no dispute.

2. In that view of the matter, I am of the opinion that leave to defend cannot be granted to the defendant unless defendant is directed to deposit in this court a sum of Rs.1.0 lac within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from the date of deposit of the said amount. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.